

REMARKS

Claims 1-12 are pending in the application, with claim 1 being independent.

The Office Action dated March 22, 2006 (Paper No. 03062006) sets forth a restriction requirement among two groups of claims, as follows:

- I. Claims 1-11, drawn to gene detecting chips, classified in class 422, subclass 68; and
- II. Claim 12, drawn to methods for detecting single nucleotide polymorphisms, classified in class 435, subclass 6.

The Examiner contends that the inventions of Groups I and II are patentably distinct and have acquired a separate status in the art because of their recognized divergent subject matter.

In response to the restriction requirement, Applicants hereby provisionally elect Group I, claims 1-11, for continued examination.

Applicants note that the inventions of Group I and II are sufficiently closely related that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Also, it is submitted that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

Therefore, in the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Favorable consideration of the application is respectfully requested.

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Respectfully submitted,

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